IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9322 of 2003

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

J. VENKATARAMANAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9322 of 2003

MR MB GANDHI for Petitioner

MR HM PRACHCHHAK A.G.P. for Respondent No.1 & 3

MR JB PARDIWALA for Respondent No. 2

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 09/10/2003

13/10/2003

ORAL JUDGEMENT

Heard the learned advocates.

2. The petitioner before this Court is a Private Secretary (English Stenographer Grade-I) in the City Civil Court, Ahmedabad. It is the claim of the petitioner that he was appointed as such on 23rd March, 1992. Ever since he has been regularly discharging his duties. There being no promotional avenue, in view of the prevailing Government policy, the petitioner is entitled to receive a higher grade scale from the date he completes nine years of service. The petitioner has completed nine years' service on 22nd March, 2001. Hence the petitioner is entitled to a higher pay scale with effect from the month of March, 2001. However, for the reasons unknown to the petitioner, such higher pay scale has not been sanctioned in case of the petitioner.

3. Learned advocate Mr.Gandhi has submitted that at present the petitioner has been placed in the pay scale of Rs.6,500-10,500. The petitioner, therefore, shall be entitled to a higher pay scale of Rs.8,500-275-14,000 with effect from the month of March, 2001. Mr.Gandhi has also submitted that the petitioner has passed all the requisite examinations and has also acquired qualification of Gujarat Commercial Certificate Examination issued by the Gujarat State examination Board. Hence, there is no reason why the petitioner should not be sanctioned higher pay scale on his completing nine years' service as a Private Secretary (English Stenographer Grade-I).

4. In response to the notice issued by this Court the Registrar, City Civil Court, Ahmedabad has appeared and has filed counter-affidavit.

5. It is stated that the petitioner was appointed as English Stenographer (Grade-I) by relaxing the requirement of production of certificate of requisite speed of 120 WPM in English Shorthand and 40 WPM in English Typewriting from the Gujarat State Examination Board. It is, however, admitted that the petitioner did possess such certificate issued by the Government of Tamil Nadu, Department of Technical Education. The said certificate was considered to be equivalent to the Gujarat Commercial Certificate. It is also admitted that since his appointment the petitioner did obtain the requisite certificate issued by the Gujarat State Examination Board.

6. In substance there is no denial to the petitioner's right to receive higher grade scale on completion of nine years' service as claimed by him.

However, the same appears to have been delayed on account of the administrative procedure. It further appears that even the learned Principal Judge, City Civil Court, Ahmedabad has recommended the case of the petitioner for grant of higher grade scale with effect from 23rd March, 2001.

7. In above view of the matter the petition is allowed. It is declared that the petitioner is entitled to higher grade scale of Rs.8,500-275-14,000 on completion of nine years' service from the date of his appointment i.e. with effect from 23rd March, 2001. The concerned respondent is directed to process the matter further and to complete the necessary formalities as early as possible but not later than 15th November, 2003. The amount of difference of salary shall be paid to the petitioner on or before 1st January, 2004. The petitioner's prayer for interest on the amount of difference of salary is rejected. Rule is made absolute to the above extent. The parties shall bear their own costs.

[Miss R.M. Doshit, J.]

/phalguni/ sakkaf/